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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,164

07/12/2004

Jacques Lunter

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01/23/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

GUHARAY, KARABI

ART UNIT

PAPER NUMBER

2879

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/501,164

Applicant(s)

LUNTER ET AL.

Examiner

Karabi Guharay

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment, filed on 11/03/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 2, 5, 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

Amendment, filed on 3rd November 2006 has been considered and entered.

Amendments of Title and Abstract have been approved.

Claims 1-4 are amended. New claims 5-10 are added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Wijenberg et al. (US 6031332).

Regarding claims 1, 7, Wijenberg et al. disclose a metal halide lamp (Fig 1 & 2) comprising a discharge vessel (3) with a ceramic wall (line 47 of column 2) enclosing a discharge space (11) which contains an ionizable filling, which filling, in addition to Hg, contains a quantity of halide of Na, Ca and Tl, characterized in that the ionizable filling comprises CaI_2 in a molar quantity which lies between 20 and 50% of the total molar quantity of the halides of Na, Ca and Tl (lines 29-33 of column 4).

Regarding claim 8, Wijenberg discloses that the molar quantity of calcium iodide lies below 35% of the total molar quantity of halides (lines 29-33 of column 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wijenberg.

Regarding claim 10, Wijenberg et al. disclose a metal halide lamp (Fig 1 & 2) comprising a discharge vessel (3) with a ceramic wall (line 47 of column 2) enclosing a discharge space (11) which contains an ionizable filling, which filling, in addition to Hg, contains a quantity of halide of Na, Ca and Tl, characterized in that the ionizable filling comprises CaI_2 in a molar quantity of the halides in the discharge space (see abstract). However, Wijenberg fails to disclose that the color temperature realized by the lamp is 3500K or below, instead color temperature is between 3900-4200K.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to obtain a range of 3500 or below, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. ***MPEP 2144.05 II A***

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wijenberg as applied to claim 1 above, and further in view of Suijker (WO 99/53523).

Regarding claims 3-4, Wijenberg discloses all the limitations of claims 3-4 except for the oxygen dispenser containing CaO.

However, Suijker in the same filed of metal halide lamp having a ceramic wall teaches an oxygen dispenser containing CaO disposed in the lamp. Suijker further teaches that the provision of oxygen dispenser containing CaO fed oxygen in the lamp in a controlled manner to maintain tungsten-halogen cycle, also facilitates dosaging during the life of the lamp, further provides spectral contribution both in red and in blue (lines 10-22 of page 2).

Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate oxygen dispenser containing CaO, as taught by Suijker, in the metal halide lamp of Wijenberg, since this will not only maintain the tungsten halogen cycle also provide the advantage of dosaging during the life of the lamp.

Allowable Subject Matter

Claims 2, 5 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 2, 5 & 9 the prior art of record neither teach nor suggests a metal halide lamp wherein molar quantity of CaI₂ is below 30% of the total molar quantity of the halides of Na, Ca and Tl.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is 571-272-2452. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

K. Guharay
Karabi Guharay
Primary Examiner
Art Unit 2879
1/12/08